

decisional obligations, as well as possibly awareness of the varying media reports about what Gov. Thompson would do in this matter.⁴³⁶

Babbitt cannot recall any details of his early contact with Eckstein, but disputes this account only to the extent that Babbitt recalls he committed merely that the DOI decision-makers would meet with Eckstein's clients, not that Babbitt himself would meet with them. This divergence is curious, in that Eckstein maintains that Babbitt never told him that Babbitt had delegated his statutory decision-making responsibility in the Hudson case to a lesser official, or that Babbitt would not be participating in the decision in any manner. A confirming letter that Eckstein sent to Babbitt's Director of Scheduling on May 5, 1995, may reflect the nub of this discrepancy:

Several weeks ago I spoke with Secretary Babbitt and advised him that I and several other representatives of the [applicant] Tribes wanted to meet with him to present the case in support of the application The Secretary said that we would be given an opportunity to be heard. With the extended comment period on the Tribes' application having expired . . . the Tribes believe the application is now ready to be considered by the Secretary and would like to have a meeting with him at the earliest possible date.

The letter reflects that Eckstein made a specific request and received a somewhat round response from the Secretary, which Eckstein took to be assent. Nonetheless, Eckstein's letter made clear

⁴³⁶It is possible that Babbitt had recently been briefed on the Hudson matter when he received the April 6 phone call. His travel itinerary reflects that on April 6 he was due to travel to California, in advance of an April 8 visit to Wisconsin for the tribal dialogue, described above in Section II.D.5., where he was quite predictably confronted with questions about the Hudson application. Babbitt cannot recall having received a briefing on that event as of April 6. Babbitt also may have been highly attuned to issues of local opposition to Indian land-in-trust applications because the Pequots' land acquisition request was then a matter of controversy. In fact, on that same date, April 6, Babbitt and Ickes exchanged a series of phone calls, likely on the Pequot matter.